REMARKS

Applicant amends claim 1 to recite the limitation of the upper layer being made of a ferroelectric material or a material having a high dielectric constant and to include the deposition of a second layer including O_3/TEOS-SiO_2 into the contact hole and onto a top surface proximate to the contact hole.

Claims 4-6, now being superfluous have been cancelled. Applicant also cancels claims 8-20 without prejudice. Applicant cancels these claims only to expedite prosecution of this application. Applicant reserves the option of pursuing these claims in a continuation application. Now pending are claims 1-3 and 7 of which claim 1 is independent.

The examiner rejected claims 1-20 as being unpatentable over *Jeng* or *Wolstenholme* in view of *Huang* and *Lien.* But, neither *Jeng* nor *Wolstenholme* teach etching a contact hole into a substrate having an upper layer made of a ferroelectric material or a material having a high dielectric constant. Nor do these references teach having the O_3/TEOS-SiO_2 serve as a lateral seal of the upper layer during the lowering of the depression. Both of these limitations are now recited in the amended claim 1.

In *Jeng* the upper layer is either a TEOS oxide, PECVD oxide, or polysilicon (col. 7, lines 36-37). Likewise, in *Wolstenholme* the top layer is a hardmasking layer, not a ferroelectric material or a material having a high dielectric constant as in claim 1. Thus, the O_3/TEOS-SiO_2 spacer of *Jeng* and *Wolstenholme* merely defines the minimum dimension of the etched contact; it does not function as a lateral seal of the upper layer during the lowering of the depression as in amended claim 1. Therefore, *Jeng* and/or *Wolstenholme*, whether taken alone or combined with *Huang* and/or *Lien*, fail to render obvious the invention of claims 1-3 and 7.

Applicant asks that all claims be allowed.